

REMARKS:

Claims 1-16, 25, and 26 are hereby cancelled without prejudice.

New claims 27-31 have been added in order to provide for a more adequate basis for protection of the invention. No new matter has been added.

Thus, claims 17-24 and 27-31 are presented for the Examiner's consideration.

Claims 17-24 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,047,290 to Kennedy et al. ("Kennedy") in view of U.S. Patent No. 6,049,742 to Milne et al. ("Milne") and U.S. Patent No. 6,091,362 to Stilp et al. ("Stilp").

Claim 17 has been amended in order to more particularly point out and distinctly claim the invention. Applicants expressly reserve the right to pursue broader claims in this or another application.

Also, claim 20 has been amended in order to correct a minor grammatical error. The amendment to claim 20 is not necessitated by any prior art and is unrelated to the patentability of the present invention.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in light of the above amendments and following remarks.

REJECTION UNDER 35 U.S.C. § 103:

Claims 17-24 stand rejected under 35 U.S.C. § 103(a) over Kennedy in view of Milne and Stilp.

This rejection is respectfully traversed.

Claim 17 as amended recites that the logic when executed by a computer is operable to "access data about infeasible periods of time associated with one or more respective network components." Claim 17 as amended further recites that, for each of a plurality of priority levels:

access data about infeasible periods of time associated with one or more respective network components;
for each priority level:
for each item request of a priority level:
plan an order for an item request of a current priority level using the data about infeasible periods of time associated with a plurality of network components that are unable to satisfy an item request during respective periods of time; and
determine any additional unplannable network components for the current priority level;

Kennedy, Milne, and Stilp, whether considered alone or in combination, fail to disclose or suggest all of the limitations of claim 17, including limitations in the excerpt provided above. For example, Kennedy, Milne, and Stilp fail to disclose or suggest the accessing data about infeasible periods of time associated with one or more network components. Kennedy, Milne, and Stilp also fail to disclose or suggest the use of such data for planning an order.

In light of the above, it is respectfully submitted that claim 17, and claims 18-24 depending from claim 17, are in condition for allowance, and notice to that effect is respectfully requested.

Accordingly, it is respectfully submitted that claims 17-24 are in condition for allowance, and notice to that effect is respectfully requested.

NEW CLAIMS:

New claims 27-31 have been added in order to provide for a more adequate basis for protection of the invention. No new matter has been added.

New claims 27-31 depend, directly or indirectly, from claim 17. Claims 27-31 are therefore considered to be patentably distinguishable over the cited art for at least the same reasons discussed above in connection with claim 17.

Each of claims 27-31 also recites limitations that are not disclosed or suggested by the cited art. For example, Kennedy, Milne, and Stilp, whether considered alone or in combination, fail to disclose or suggest data about infeasible periods of time associated

with one or more respective network components comprising data about infeasible periods of time that were determined for other priority levels (claim 27) or for higher priority levels (claim 28). Kennedy, Milne, and Stilp, whether considered alone or in combination, also fail to disclose or suggest data about infeasible periods of time associated with one or more respective network components comprising data associated with one of the network components describing a time interval during which the network component is unplannable (claim 29), including where the time interval is a time interval from a previously determined unplannable time to a predetermined build ahead time (claim 30). Finally, Kennedy, Milne, and Stilp, whether considered alone or in combination, also fail to disclose or suggest the recording of validated unplannable network components comprising storing data about infeasible periods of time for the unplannable network components (claim 31).

For these additional reasons, new claims 27-31 are considered to be in condition for allowance, and notice to that effect is respectfully requested.

CONCLUSION:

In view of the foregoing remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Since the present application as amended herein includes three or fewer independent claims and twenty or fewer total claims, no fees for excess claims are presently due.


Enclosed herewith is a Petition for Extension of Time requesting a one-month extension and including an authorization to charge the associated \$120.00 fee to **Deposit Account No. 500777**. If the extension of time is missing or is insufficient for allowing this Amendment to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

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Date


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